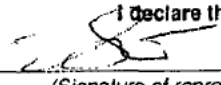


|   |   |   |                  |
|---|---|---|------------------|
| <b>UNITED STATES OF AMERICA</b><br><b>NATIONAL LABOR RELATIONS BOARD</b><br><b>CHARGE AGAINST EMPLOYER</b>  |   | <b>DO NOT WRITE IN THIS SPACE</b><br>Case <span style="float: right;">Date Filed</span><br>10-CA-173599 <span style="float: right;">04/08/2016</span> |                  |
| <b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.   |   |   |                  |
| <b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>   |   |   |                  |
| a. Name of Employer<br><br>3m35inc d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers  |   | b. Number of workers employed<br>20   |                  |
| c. Address<br><br>Store: 205 Montgomery Crossing, Biscoe, NC 27209<br><br>McDonald's Corp. 2111 McDonald's Dr. Oak Brook, IL 60523  | d. Employer Representative<br>Store: (b) (6), (b) (7)(C)<br><br>Corporate: Gloria Santana |   | e. Telephone No. |
| f. Type of Establishment<br>Restaurant  | g. Identify principal product or service<br>Food Service                                  |   |                  |
| h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.   |   |   |                  |
| <b>2. BASIS OF THE CHARGE</b> <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i><br><br>In or around (b) (6), (b) (7)(C) 2016, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by reducing the hours and days of (b) (6), (b) (7)(C) for engaging in protected concerted activity.  |   |   |                  |
| <b>3. Full name of party filing charge</b> <i>(if labor organization, give full name, including local name and number)</i><br>Southern Workers Organizing Committee   |   |   |                  |
| 4a. Address <i>(street and number, city, state, and ZIP code)</i><br><br>2220 N. Roxboro Ave.<br>Durham, NC 27701   |   | 4b. Telephone No.<br>(b) (6), (b) (7)(C)  |                  |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>  |   |   |                  |
| <b>6. DECLARATION</b><br><div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <p> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p><i>(Signature of representative or person making charge)</i></p> </div> <div style="width: 35%; text-align: right;"> <p>Paul E. Smith, Attorney</p> <p><i>(Title if any)</i></p> </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div style="width: 60%;"> <p>Address <u>Patterson Harkavy LLP, 100 Europa Dr. Suite 420, Chapel Hill, NC 27517</u></p> <p><i>(Date)</i> <u>4/8/2016</u></p> </div> <div style="width: 35%; text-align: right;"> <p><u>919.942.5200</u></p> <p><i>(Telephone No.)</i></p> </div> </div> |   |   |                  |
| <b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>   |   |   |                  |

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

PATTERSON HARKAVY LLP

100 Europa Drive, Suite 420

Chapel Hill, NC 27517

Telephone: 919-942-5200

(b) (6), (b) (7)(C)

@pathlaw.com

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Burton Craige  
Narendra K. Ghosh  
Jonathan R. Harkavy\*  
Michael G. Okun  
Henry N. Patterson, Jr.  
Paul E. Smith

*Of Counsel:*  
Nahomi Harkavy\*  
*\*practice limited to*  
*Alternative Dispute Resolution*

# Patterson | Harkavy LLP

ATTORNEYS AT LAW

Raleigh • Chapel Hill • Greensboro

## **FAX TRANSMITTAL**

Reply to Chapel Hill

100 Europa Drive, Suite 420  
Chapel Hill, NC 27517  
Telephone: (919) 942-5200  
Fax: (866) 397-8671

[www.pathlaw.com](http://www.pathlaw.com)

DATE: 4/8/16

**TO:** Subregion 11, NLRB

FAX No. (336) 631-5210

**FROM:** (b) (6), (b) (7)(C)

**Re:** New NLRB Charge

TOTAL # OF PAGES BEING TRANSMITTED INCLUDING  
COVER SHEET: 2

**Please see the attached letter.**

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IF THERE ARE ANY PROBLEMS WITH THE RECEIPT OF THIS TRANSMITTAL,  
PLEASE CALL 919/942-5200 AS SOON AS POSSIBLE.

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service.

Thank you.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste. 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
NLRB  
Mobile App

April 8, 2016

(b) (6), (b) (7)(C)

3m35inc d/b/a McDonalds  
205 Montgomery Crossing  
Biscoe, NC 27209-9580

Gloria Santona  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

Re: 3m35inc d/b/a McDonalds & McDonald's  
Corp., as Joint and Single Employers  
Case 10-CA-173599

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOHN R. EVANS whose telephone number is (336)631-5214. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

April 8, 2016

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

April 8, 2016

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By: 

Scott C. Thompson  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

10-CA-173599

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**3M35INC D/B/A MCDONALDS &  
MCDONALD'S CORP., AS JOINT AND SINGLE  
EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 10-CA-173599**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 8, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

3m35inc d/b/a McDonalds  
205 Montgomery Crossing  
Biscoe, NC 27209-9580

Gloria Santona  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

April 8, 2016

\_\_\_\_\_  
Date

Scott C. Thompson, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

/s/ Scott C. Thompson

\_\_\_\_\_  
Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste. 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
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Mobile App

April 8, 2016

Southern Workers Organizing Committee  
2220 N. Roxboro Ave.  
Durham, NC 27701

Re: 3m35inc d/b/a McDonalds & McDonald's  
Corp., as Joint and Single Employers  
Case 10-CA-173599

Dear Sir or Madam:

The charge that you filed in this case on April 08, 2016 has been docketed as case number 10-CA-173599. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JOHN R. EVANS whose telephone number is (336)631-5214. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

April 8, 2016

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By:



Scott C. Thompson  
Officer in Charge

cc: Paul E. Smith, Attorney  
Patterson Harkavy LLP  
100 Europa Drive  
Suite 420  
Chapel Hill, NC 27517

**From:** [Paul Smith](#)  
**To:** [Evans, John R.](#)  
**Subject:** RE: McDonalds, Case 10-CA-173599 Follow Up  
**Date:** Tuesday, April 12, 2016 12:17:15 PM

---

Great – thanks for letting me know.

Lauren should be rolling with this one from here on out. But if you're ever having trouble getting up with her, don't hesitate to check in with me.

Paul

---

**From:** Evans, John R. [<mailto:John.Evans@nlrb.gov>]  
**Sent:** Tuesday, April 12, 2016 12:16 PM  
**To:** Paul Smith  
**Subject:** RE: McDonalds, Case 10-CA-173599 Follow Up

We just spoke. Thanks!

---

**From:** Paul Smith [<mailto:psmith@pathlaw.com>]  
**Sent:** Tuesday, April 12, 2016 12:12 PM  
**To:** Evans, John R. <[John.Evans@nlrb.gov](mailto:John.Evans@nlrb.gov)>  
**Cc:** (b) (6), (b) (7)(C) [\[REDACTED\]@pathlaw.com](mailto:[REDACTED]@pathlaw.com)>  
**Subject:** RE: McDonalds, Case 10-CA-173599 Follow Up

John,

Lauren Bonds should be giving you a call about this in just a few minutes.

Thanks,

Paul

**Paul E. Smith**  
Patterson Harkavy LLP  
100 Europa Dr., Ste. 420  
Chapel Hill, NC 27517  
(919) 942-5200  
(866) 397-8671 fax  
[www.pathlaw.com](http://www.pathlaw.com)

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---

**From:** Evans, John R. [<mailto:John.Evans@nlrb.gov>]  
**Sent:** Tuesday, April 12, 2016 12:08 PM  
**To:** Paul Smith

**Cc:** (b) (6), (b) (7)(C)

**Subject:** McDonalds, Case 10-CA-173599 Follow Up

Mr. Smith:

I'm following up on our conversation from yesterday concerning the charge you filed against McDonald's, Case 10-CA-173599, on behalf of (b) (6), (b) (7)(C). As we discussed, I will need to schedule the affidavit quickly, before next Monday, April 11. Due to the time sensitive nature of the allegations, I will need to take an in-person affidavit in our office in Winston-Salem.

If you would like, I can contact (b) (6), (b) (7)(C) directly to schedule, or you can provide me with (b) (6), (b) (7)(C) availability. I generally recommend that affiants schedule at least three hours for the affidavit. If necessary, I can take the affidavit after hours or on the weekend.

I look forward to hearing back from you.

Sincerely,

John R. Evans

*Field Attorney*

National Labor Relations Board Subregion 11

Republic Square

4035 University Parkway, Suite 200

Winston-Salem, NC 27106

Phone: (336) 631-5214

Fax: (336) 631-5210



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210

April 14, 2016

(b) (6), (b) (7)(C)

3m35inc d/b/a McDonalds  
205 Montgomery Crossing  
Biscoe, NC 27209-9580

Michael S. Ferrell, Esquire  
Elizabeth Winiarski, Esq.  
Jones Day  
77 West Wacker Drive  
Suite 3500  
Chicago, IL 60601-1701

Doreen S. Davis, ESQ., Partner  
Jones Day  
222 E 41st St  
New York, NY 10017-6702

Re: 3m35inc d/b/a McDonalds & McDonald's  
Corp., as Joint and Single Employers  
Case 10-CA-173599

Dear (b) (6), (b) (7)(C), Mr. Ferrell, Ms. Davis, and Ms. Winiarski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By:

A handwritten signature in black ink, appearing to read "Scott C. Thompson", is written over a horizontal line.

Scott C. Thompson  
Officer in Charge

cc: Gloria Santona  
McDonald's Corp.  
2111 McDonald's Drive  
Oak Brook, IL 60523

Paul E. Smith, Attorney  
Patterson Harkavy LLP  
100 Europa Drive  
Suite 420  
Chapel Hill, NC 27517

Southern Workers Organizing Committee  
2220 N. Roxboro Ave.  
Durham, NC 27701